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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C.

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OCT 14 1992

In the Matter of)
)
Establishment of an Advisory)
Committee to Negotiate Proposed)
Regulations Governing the)
Provision of Mobile Satellite)
Services in the 1610-1626.5 MHz)
and 2483.5-2500 MHz Bands)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

CC Docket No. 92-166

REPLY COMMENTS OF AMSC SUBSIDIARY CORPORATION

AMSC Subsidiary Corporation, by its attorneys, hereby submits its Reply Comments regarding the proposed establishment of an Advisory Committee to negotiate regulations appropriate to the provision of Mobile Satellite Service ("MSS") in the 1610-1626.5 MHz bands. As demonstrated below, there is no merit to the arguments of some parties that AMSC should not be permitted to participate on the Advisory Committee.^{1/}

^{1/} AMSC respectfully requests leave, to the extent necessary, to file these Reply Comments. The Commission's Public Notice soliciting comments on the establishment of an Advisory Committee, DA 92-1085 (August 7, 1992) ("Committee Notice"), does not contemplate the filing of reply comments. However, as a number of parties oppose AMSC's participation on such a Committee, a full and fair record would be facilitated by allowing AMSC to respond to the arguments on this critical issue. At least four of the applicants for non-geostationary MSS systems in the 1610-1626.5 MHz/2483.5-2500 MHz bands also filed reply comments.

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Background

AMSC is one of six applicants proposing to operate an MSS system in the bands presently allocated domestically to the Radiodetermination-Satellite Service ("RDSS"). The Commission has proposed to allocate these bands (1610-1626.5 MHz/2483.5-2500 MHz) to geostationary and non-geostationary MSS, consistent with the allocation of these bands internationally to MSS at the 1992 World Administrative Radio Conference ("WARC").^{2/}

AMSC's application proposes to integrate frequencies from the 1610-1626.5 MHz band into the MSS system that it is constructing using the existing domestic MSS bands. The 1610-1626.5 MHz band is proximate to AMSC's currently assigned frequencies, and AMSC can add this much-needed spectrum to its system at a cost of less than \$10 million per satellite. The other five applicants -- Constellation Communications, Inc. ("Constellation"), Ellipsat Corporation ("Ellipsat"), Loral Qualcomm Satellite Services, Inc. ("Loral"), Motorola Satellite Communications, Inc. ("MSCI") and TRW Inc. ("TRW") -- propose non-geostationary MSS systems to operate in the new MSS bands.

The Commission proposes to establish an Advisory Committee to negotiate appropriate technical rules for the provision of MSS in the 1610-1626.5 MHz and 2483.5-2500 MHz bands. The Commission specifically identified AMSC as having a potential interest in

^{2/} See Notice of Proposed Rule Making and Tentative Decision, ET Docket No. 92-28, FCC 92-358 (September 4, 1992).

the rulemaking sufficient to justify its representation on the Committee.^{3/}

On September 14, 1992, AMSC filed Comments on the proposed establishment of an Advisory Committee. AMSC noted that such a Committee would facilitate the discussion of the many important technical issues concerning the proposals to provide MSS in the new bands, including issues concerning sharing of the bands among the proposed MSS systems and between the proposed MSS systems and other users. AMSC stated its intention to actively participate in good faith on the proposed Advisory Committee and designated a primary representative to serve on the Committee.

Despite the Commission's express identification of AMSC as an interested party deserving of membership on the Advisory Committee, a number of the non-geostationary applicants oppose AMSC's participation on the Committee. Ellipsat, Loral, MSCI and TRW argue that AMSC should not be permitted to participate because its proposal is inconsistent with international regulations and allocations. Constellation and MSCI assert that AMSC should be denied membership because AMSC's proposal is

^{3/} Committee Notice at 3, para. 8.

incompatible with the proposed non-geostationary systems.^{4/}

These arguments are meritless.

Discussion

There is no basis for denying AMSC an opportunity to participate on the proposed Advisory Committee. AMSC seeks to provide MSS in the new bands, consistent with the allocations adopted at WARC-92. AMSC has filed a timely application to do so. Thus, like the other five applicants for MSS systems to operate in the bands, AMSC has a clear interest in the formulation of rules to govern the provision of MSS in the new bands.

Moreover, there is no merit to the argument that AMSC should be disqualified from representation on the Committee because of noncompliance with technical rules. As is evident by the proposed formation of a negotiated rulemaking committee, no rules

^{4/} Ellipsat further asserts that allowing AMSC to participate on the Committee would somehow signal a weakened U.S. commitment to non-geostationary MSS systems. Ellipsat Comments at 9. As noted below, however, AMSC is willing to cooperate with the non-geostationary applicants in formulating a solution that would allow AMSC and the proposed non-geostationary MSS systems to share the new bands. In any event, the Commission can best indicate its commitment to non-geostationary MSS systems by ensuring that the spectrum it assigns to those systems is able to support those systems viably.

Ellipsat also charges that AMSC has a motive to delay these proceedings. This simply is not the case; AMSC has stated repeatedly that the use of the 1610-1626.5 MHz and 2483.5-2500 MHz bands should be resolved expeditiously. AMSC's willingness to modify its proposal to accept sharing in these bands is further demonstration of that fact.

have yet been formulated for the provision of MSS in the new bands.

AMSC is committed to cooperating with the other members of the Advisory Committee in developing such rules. AMSC intends to work toward exploring ways by which all of the proposed MSS systems can share the available RDSS spectrum. AMSC is willing to modify its proposal for AMSC's second and third satellites accordingly. Such a modification would also include sharing of the new 2483.5-2500 MHz MSS downlink band.

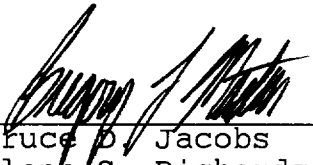
Contrary to the claims of a number of the non-geostationary MSS system applicants, AMSC's geostationary system can be modified to share the new MSS bands with the proposed non-geostationary systems. Each of the non-geostationary MSS system applicants represented in their applications that they could share the new spectrum with geostationary systems. This was a premise to the U.S. position at WARC-92 that was endorsed by proponents of non-geostationary systems. The conference produced Resolution COM5/8, which sets forth a process for coordinating geostationary and non-geostationary systems in the bands. Moreover, regardless of AMSC's proposals, there are Canadian and Inmarsat proposals for geostationary MSS systems in the bands.

Conclusion


For the reasons forth above, the Commission should affirm its decision to allow AMSC to participate on the proposed Advisory Committee.

Respectfully submitted,

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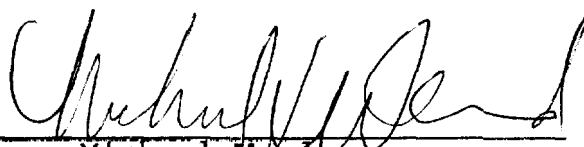
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Dated: October 14, 1992

DECLARATION

I, Michael Ward, am a Senior Scientist of American Mobile Satellite Corporation. I have reviewed the foregoing "Reply Comments of AMSC Subsidiary Corporation." I declare, under penalty of perjury, that the technical facts contained therein are true and correct to the best of my knowledge and belief.

Date:

10/14/92
Michael Ward

CERTIFICATE OF SERVICE

I, Valerie A. Mack, a secretary in the law firm of Fisher, Wayland, Cooper and Leader, hereby certify that true copies of the foregoing "Reply Comments of AMSC Subsidiary Corporation" were sent this 14th day of October, 1992, by first class United States mail, postage prepaid, to the following:

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